The Legal News.

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The law of resistance to the police has acquired special importance in view of recent occurrences in Ireland. On the 14th of September, in the House of Lords, in the course of the discussion on the murder of Head Constable Whelehan, Lord Bramwell said (*Times* report):—"His justification for rising to address their lordships was this. Supposing a case in which the police were in the wrong—interfering and doing things which they had no right to do. In the presence of lawyers, who he was sure would not contradict him, he said it was unlawful to resist them by beating them, or throwing stones at them, by charging them with horses, or in any other way than by as peaceful and pacific resistance as could possibly be shown. After the police had left the scene of disturbance the notion that they were to be chased and pelted and beaten when on the ground was to suppose a condition of the law which was utterly untrue. In such a case as that, the police had a right to resist with extreme measures. He was anxious not to be misrepresented. He did not say that if a stone was thrown at a policeman he had a right to fire on the person who threw it. He had no such right, but if his life was imperilled from continued stone throwing and manifestations of violence—if he did not know but what his life would be sacrificed, or the lives of his comrades lying disabled on the ground—he then said that there was no doubt the policeman had a right to resist the people, even to the extent of taking the lives of those committing the illegality. It was desirable that this should be known, and he challenged any one to deny that it was the law."

The challenge of Lord Bramwell elicited the following from Mr. Christopher Page Deane:—"Lord Bramwell maintains that opposition to a wrongdoing policeman must be only passive and pacific. I do not know where he would draw the line between this rule and the exceptions he must make to it in order to reconcile his doctrine with common sense. I will put two cases, which he might say are exceptional—*e.g.* a policeman endeavouring to commit a murder or a rape. In these the victim of the attempt is justified in unlimited resistance, even to the extent of homicide. To come down to a more ordinary level, if policemen attempt to search my house without a warrant, my resistance is not limited to that which is passive and pacific. I claim full liberty to use all such force and means as may be requisite to expel any policeman in my house on such an errand. Or, again, if I am playing lawn-tennis on a Sunday in my garden, and a fanatical policeman, or half-a-dozen of them, come and forbid me and prevent my playing, I claim that I may in this case also expel them. I cannot conceive a case to which Lord Bramwell's doctrine of passive and pacific resistance to wrongdoing can apply, and I make bold to say he as completely misconceives the law as does Lord Randolph Churchill. No "divinity doth hedge" a policeman. He is but a guardian of public order, with certain specific powers of applying and enforcing (*e.g.* by arrest of offenders) those who transgress the laws relating to public order. If he is himself a transgressor the public have an inherent, necessary right to maintain order in spite of him and in opposition to him, to resist force by force, to meet an assault by a counter-assault with a view to disarm the offender. He is merely the deputy of the public. The amount of force which the public is entitled to use in self-defence against wrong-doing policemen is, however, strictly limited to that which is necessary for maintaining order. Throwing stones at them, chasing them from any place where they have a right to be, beating them after aggression has ceased—these are contrary to public order, and therefore do not come within the right of the public."

The impetuosity of Mr. Deane's reply does not disturb the equanimity of Lord Bramwell. He endorses Mr. Deane's law in a rejoinder which runs as follows:—"Mr. Deane says I completely misconceive the law and am hopelessly astray as to the "rights and

powers" of the police. This is pretty strong, and I hope incorrect for both our sakes—his and mine. For I entirely agree with his sensible letter, and think it would do (not for a definition, Mr. D.), but for an instruction to the police."

COUR SUPERIEURE.

SAGUENAY, 15 juin 1884.

Coram ROUTHIER, J.

MAILLOUX v. DESMEULES.

Misnomer—Exception à la forme.

Le demandeur poursuivait pour pénalité, et se dénommait "Georges." Le défendeur plaida à la forme, que les prénoms du demandeur étaient Georges Félix. Le demandeur répondit spécialement qu'il était généralement connu sous le prénom de "Georges." A la preuve, il fut constaté qu'en effet le demandeur ne portait généralement que le prénom "Georges," bien qu'il se fût dénommé "Georges Félix" dans son contrat de mariage.

Exception à la forme renvoyée avec dépens.

J. S. Perrault, procureur du demandeur.

Charles Angers, procureur du défendeur.

(C. A.)

COUR DE CIRCUIT.

SAGUENAY, 3 novembre 1880.

Coram ROUTHIER, J.

WARREN v. WARREN.

Signification des procédures dans les causes non-appelables.

JUGÉ:—*Que conformément à la pratique suivie en ce district, la signification des procédures dans les causes non-appelables n'est pas requise, que la production au greffe suffit.*

Charles Angers, faisant motion pour rejet.

J. S. Perrault, contra.

(C. A.)

COUR DE CIRCUIT.

SAGUENAY, 26 janvier 1884.

Coram ROUTHIER, J.

DUCHESNE v. LAPOINTE.

Bref de sommation—Changement de la date du retour.

JUGÉ:—*Qu'après l'émanation du bref de sommation, le jour du retour ne peut être changé par le greffier ; et que, si tel changement a lieu, le bref sera déclaré nul et l'action renvoyée sur exception à la forme et inscription en faux avec dépens.*

L'action était *qui tam.*

J. S. Perrault, procureur du demandeur.

Charles Angers, procureur du défendeur.

(C. A.)

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*QUEBEC DECISIONS.**

Poursuite entre locateurs et locataires—Loyers—Juridiction — Exception déclinatoire—Exception à la forme.

Jugé, Que les poursuites sommaires entre locateurs et locataires, autorisées par les articles 1624 et 1644 du Code Civil et 887 et suivants du Code de Procédure, ne peuvent pas être adoptées pour le recouvrement exclusifs des loyers dus ; que la juridiction qu'exercent les Cours Supérieure et de Circuit, en vertu de ces dispositions de la loi, est spéciale et exceptionnelle, et que c'est par une exception déclinatoire, et non par une exception à la forme, que le défendeur doit attaquer l'assignation pour y répondre à une demande pour loyer seulement.—*Hinds* v. *Donovan*, In Review, Stuart, C. J., Casault, Andrews, JJ., 30 janvier 1886.

Opposition à jugement—Special answer—Motion to strike—Procedure.

Held, 1. That a new *moyen* pleaded by special answer in support of an opposition *à jugement*, will be rejected on motion without the necessity of a demurrer.

2. That where such motion asks in general terms for the rejection of the whole pleading, or such portion thereof as the Court shall see fit, the Court will examine the special answer and reject such portion thereof as may constitute a new *moyen.*—*Campbell & The Dominion of Canada Freehold Estate & Timber Co.*, In Appeal, Tessier, Cross, Baby, Church, JJ., (Cross, J., *diss.*), May 28, 1887.

Malicious Damage to Property—Squatter.

The appellant cut firewood on a lot of land occupied and improved by his brother, a

* 13 Q. L. R.

squatter thereon, with the latter's permission. On complaint of the respondent, the actual owner of the lot, appellant was arrested therefor and convicted by a magistrate, under sec. 26 of 32-33 Vict., ch. 22, " An Act respecting malicious injuries to property."

Held, on appeal to the Queen's Bench, that under the circumstances, there was no malice, that the act did not apply to such a case, and conviction quashed.—*Dumais & Hall*, Arthabaska, Plamondon, J., March 1, 1880.

Partnership—Action pro socio—Prescription—Compensation.

Held, That a member of a dissolved corporation, who has paid in full a judgment rendered against the firm, cannot, by action of debt, recover from his co-partner the portion of such judgment due by the latter, but must have recourse to the action *pro socio*.

2. That where a debt, which under ordinary circumstances would be prescribed, is offered in compensation to an unprescribed judgment, the action on the latter will be dismissed if it appear that prior to the prescription of the former, both debts had come within the conditions necessary for compensation.—*Lydon & Casey*, In Appeal, Dorion, C. J., Tessier, Cross, Baby, Church, JJ., (Tessier, J., *diss*.), May 9, 1887.

Mandamus—Juridiction du Surintendant de l'éducation.

Jugé, 1. Que le pouvoir de supprimer un arrondissement d'école est laissé par la loi aux commissaires d'école.

2. Qu'il n'y a pas d'appel au surintendant de l'éducation des décisions des commissaires d'école dans les cas où ceux-ci ont exercé la discrétion que leur laisse la loi d'accorder ou refuser une demande des contribuables.

3. Que dans l'espèce, le mandamus émané pour faire exécuter la sentence du surintendant doit être renvoyé, la dite sentence étant illégale.—*Trudelle* v. *Les Commissaires d'Ecole de Charlesbourg*, C. S., Stuart, C. J., 6 avril '82.

Havre de Québec—Quais — Navigation — Obstruction—Dommages—Responsabilité.

Jugé, Que les propriétaires de quais, dans le hâvre de Québec, ne sont pas responsables des dommages causés à un vaisseau par un obstacle qui n'est pas leur fait et qui n'est pas sur leur propriété, quoique tout près, sur la propriété voisine.

2. Que les commissaires du hâvre de Québec ne sont pas responsables des dommages causés par une épave, ou un débris de vaisseau effondré, qu'ils ne sont pas obligés d'en indiquer l'existence ni la position, et que le vaisseau endommagé par le heurt de l'épave, ou du débris, n'a de recours que contre le propriétaire de ceux-ci, tant que les commissaires du hâvre n'en ont pas pris possession. —*Levasseur* v. *Les Commissaiaes du Hâvre*, en révision, Casault, Caron, Andrews, JJ., (Caron, J., *diss*.), 31 mars 1887.

APPEAL REGISTER—MONTREAL.

Thursday, September 15.

Macdougall & Prentice.—Petition to take up *instance* granted.

Rascony Woolen & Cotton Co., & Glasgow & London Ins. Co.—Heard on petition for leave to appeal.—C.A.V.

Thurston & Viau.—Petition for appeal from C. C. Ottawa.—Case entered.

Tudor & Hart.—Motion for leave to appeal from interlocutory judgment.—Motion dismissed.

Corporation Comté de Berthier & Plante et al.—Motion *en décheance d'appel*.—C.A.V.

Lemieux & Fournier.—Motion for distraction granted by consent.

Downie & Francis.—Motion to have record returned.—Motion discharged without costs.

Fellows Medical Manufacturing Co. & Lambe,—Appeal discontinued.

Redfield & La Banque d'Hochelaga.—Heard, C.A.V.

Allan & Merchants Marine Ins. Co.—Heard. C.A.V.

Skelton & Evans.—Part heard.

Friday, Sept. 16.

Skelton & Evans.—Hearing concluded.—C.A.V.

Saturday, Sept. 17.

Canadian Pacific Railway Co. & McRae.—Motion for leave to appeal from interlocutory judgment. Rejected with costs.

Corporation Comté de Berthier & Plante et al.—Motion *en décheance d'appel* granted.

Laviolette & La Corporation de Napierville.—Judgment confirmed, Baby, J., *diss.*

Goodhall & Exchange Bank.—Judgment confirmed, Church, J., *diss.*

Benoit & Benoit.—Judgment confirmed.

Lowry & Routh.—Judgment reversed, Baby, J., *diss.* A new hearing was subsequently ordered on Sept. 24.

Gilman & Exchange Bank.—New hearing ordered.

Barnard & Molson.—Judgment confirmed. Motion for leave to appeal to Privy Council granted.

Wade & Mooney.—Judgment confirmed.

Selbach & Stevenson.—Judgment reversed, Baby and Church, JJ., *diss.*

Dorion & Dorion.—Judgment confirmed.

Newton & Seale.—Judgment confirmed.

Newton & Hammond.—Judgment confirmed.

Archambault & Lalonde.—Judgment confirmed.

Gadoua & Pigeon.—Judgment confirmed.

Shea & Prendergast.—Judgment confirmed.

Ulster Spinning Co. & Foster.—Judgment confirmed.

Bulmer & Exchange Bank.—Judgment confirmed.

Wattie & Beautronc Major.—Motion for *congé d'appel,* granted for costs only.

Foster & Hamilton.—Motion for dismissal of appeal, granted for costs only.

Baxter & Bruneau.—Appeal dismissed by consent.

Monday, Sept. 19.

Joyce & La Cité de Montréal.—Heard on motion for leave to appeal to Privy Council. C.A.V.

McTavish & Fraser.—Motion to relieve from foreclosure from filing reasons of appeal. Granted by consent.

Macfarlane & Stimson.—Heard. C.A.V.

De Bellefeuille & Desmarteau. — Heard. C.A.V.

Tuesday, Sept. 20.

Joyce & City of Montreal.—Motion for leave to appeal to Privy Council, rejected.

Palliser & Strong.—Judgment confirmed.

Fletcher & Chevrier.—Judgment confirmed.

Stephens & Chaussé.—Judgment reformed. Damages reduced to $3,000; each party to pay his own costs in appeal.

Ryan & Sanche. — Judgment reversed, Tessier, J., *diss.*

Beaudry & Courcelles Chevalier & Lord.—Judgment confirmed.

Gauvin & Leclaire.—Heard. C.A.V.

Ville de Ste. Cunegonde & Berger.—Heard. C.A.V.

Ross & Paul.—Heard. C.A.V.

Wednesday, Sept. 21.

McGillivray & Watt.—Heard. C.A.V.

Christmas & Robertson.—Heard. C.A.V.

Latham & Kennedy.—Part heard.

Thursday, Sept. 22.

Downie & Francis.—Motion granted for costs.

Latham & Kennedy.—Hearing concluded. C.A.V.

Communauté des Sœurs des SS. NN. de Jésus et Marie & Corporation du Village de Waterloo.—Heard. C.A.V.

Labrecque & Cie. de Tabac Joliette.—Heard. C.A.V.

Senécal & Croistière.—Part heard.

Sénecal & Champagne.—Part heard.

Sénecal & Sylvestre.—Part heard.

Friday, Sept. 23.

Rolland & Laframboise.—Motion for dismissal of appeal granted for costs only.

Rascony Woollen & Cotton Co. & Glasgow & London Ins. Co.—Motion rejected without costs.

Gilmour & Lapointe; Gilmour & Paradis; Gilmour & Daoust; Gilmour & Paradis; Gilmour & Boissonneau; Gilmour & Paradis; Gilmour & Brouillard; Gilmour & Mauroit; Gilmour & Allaire.—Judgment in each case confirmed, but reformed. Cross and Church JJ., *diss.*

Massue & Corporation de St. Aimé.—Judgment reversed, and writ of injunction maintained, Dorion, C.J., and Cross, J., *diss.*

Aubry & Rodier.—Judgment reversed, Baby, J., *diss.*

Kelly & Holiday.—Judgment confirmed.

Beckett & La Banque Nationale.—Judgment confirmed.

Senécal & Croistière; Senécal & Champagne; Senécal & Sylvestre.—Hearing concluded. C.A.V.

Taylor & Webster.—Heard. C.A.V.

Saturday, Sept. 24.

Canadian Pacific Railway Co. & Chalifoux.—Judgment confirmed, Cross, J., *diss.*

Canadian Pacific Railway Co. & Cadieux.—Judgment confirmed. Cross, J., *diss.*

Cie. du Grand Tronc & Lebeuf.—Judgment confirmed, Cross, J., *diss.*

Cité de Montréal & Labelle.—Judgment confirmed, Cross, J., *diss.*

Redfield & La Banque d'Hochelaga.—Judgment confirmed.

Macfarlane & Stimson.—Judgm't confirmed.

McGillivray & Watt.—Judgment confirmed.

Brosseau & Forgues.—New hearing ordered.

Lowrey & Routh.—New hearing ordered.

Gilmour & Lapointe, and the eight other cases enumerated above.—Heard on motion for appeal to Privy Council. C.A.V.

McTavish & Fraser.—Application to be heard by preference. Referred to Clerk of the Court.

Monday, Sept. 26.

Smith & Wheeler.—Heard. C.A.V.

Cie. de Pret & Crédit Foncier & Sansterre.—Part heard.

Tuesday, Sept. 27.

Senécal & Beet Root Sugar Co.—Motion for dismissal of appeal, granted for costs only.

Gilmour & Lapointe, and the eight other cases enumerated above.—Motion for appeal to Privy Council granted.

Giles & Jacques.—Judgment reversed, Tessier, J., *diss.*

Primeau & Giles.—Judgment reversed, Cross, J., *diss.*

Exchange Bank & City & District Savings Bank.—Judgment confirmed.

Latham & Kennedy.—Judgment confirmed.

Senécal & Croistière; Senécal & Champagne; Senécal & Sylvestre.—Judgment confirmed in each case.

Gilman & Gilbert.—Re-hearing ordered.

Canadian Pacific Railway Co. & Chalifoux.—Motion for appeal to Privy Council granted.

Cie. de Pret & Crédit Foncier & Sansterre.—Hearing concluded. C.A.V.

Mullarky & Kronig.—Heard. C.A.V.

The Court adjourned to Nov. 15.

REWARDS FOR APPREHENDING CRIMINALS.

Rewards offered for the discovery of crime have long been part of the procedure resorted to in this country, for however public-spirited may be the majority of citizens, there are so many ramifications in the occasions and consequences of criminal acts, that no organization is equal to the speedy administration of this class of remedies. The older acts of parliament abound in inducements to public informers, and though these are seldom introduced in modern acts, the disposition to trace out and punish delinquencies is fortunately a very common attendant upon every species of wrong. Yet, as everybody knows, it is no uncommon occurrence for the government or for individuals to offer rewards for the discovery of offenders, and this quickens the diligence not only of constables, but of that large class of persons who are always looking out for employment. In working out this practice, some interesting and useful decisions have been from time to time come to in the courts, for, as may be supposed, the offer of a reward brings forward many competitors who jealously watch each other's claims, and as there is more of chance than merit in the prizes, the successful winner is subject to double scrutiny. The public policy of offering rewards has indeed often been doubted, especially where constables are concerned. A constable is bound by his very duty to search for criminals and bring them to justice. And it has been well remarked by several judges that the expectation of rewards must offer great temptation to delay an active search, by which delay the criminal might escape, or to delay taking into custody a criminal who gives himself up, so that the constable might appear to use exertions to procure complete information and for that to claim the reward. There would also be a temptation, particularly to those constables in the detective service, to look to bribes or to seek promises of reward from persons anxious to recover their property, and unless such were offered, to be inert in their efforts.

On the other hand even private individuals are too apt at times to be careless of the public advantage, if only they can by any

means whatever recover the possession of their property in those cases where it has been stolen. Many persons are quite willing in the circumstances to condone any crime, or by the expenditure of a small sum to pay to the first comer whatever will induce the surrender of the proceeds of crime. Hence the legislature has thought fit to subject to a penalty those publishers of newspapers who lend themselves to the same views by circulating advertisements that no questions will be asked if stolen property shall be returned to the owner. The Larceny Act of 24 & 25 Vict. (ch. 96, s. 102), containing this enactment, in turn created hardships occasionally by enabling informers to sue publishers vexatiously for these penalties. And at last by the statute of 33 & 34 Vict. ch. 65, a restriction was put on these informers to this extent, that the consent of the attorney-general was in future to be required before any such action could be brought, and a short period of limitation was also prescribed.

The offer of a reward for the discovery of a particular criminal is a species of contract which is an exception to the usual rule, whereby both parties must be known and defined and must agree on something definite and such as is mutually assented to, before they can create the obligations of contract. This difficulty is got over by one party defining certain conditions which the unknown co-contractor is to fulfil, and which are so distinct that the unknown person and no other becomes at length the obligee whenever the circumstances arise which had been anticipated as a proper basis of a contract. It is a contract *cum omnibus* in one sense—at least in the beginning, and it develops into a contract with another individual only when the latter creates or fulfils the character which was described in the offer. Hence the disputes which usually arise in the course of these undertakings take the form of a contention that the unknown party has not done the kind of services which was to be the basis of the obligation—and though the criminal may have been discovered, yet that the discovery was not made directly or immediately by the claimant to the reward, and hence that the reward has not been earned by the person claiming it. This difficulty has presented itself under many forms, and the cases already decided involve much useful comment on the evidence and the doctrine of proximate and remote causes which arises out of such transactions.

In the case of *Williams* v. *Carwardine*, (4 B. & Ad. 621) the plaintiff had been in company with a man found murdered, and gave no information which was of value. At a later date, however, she had been severely beaten on another occasion, and when on the point of death, as was then supposed, she relieved her conscience by telling some particulars of the murder, which followed up led to the discovery and conviction of the murderer. The plaintiff did not die, but recovered, and then sued for £20, the reward that had been offered for discovery. The jury found that she did give the information, but that it was not given in consequence of the offer of a reward. Three judges, however, held that the plaintiff fulfilled the conditions on which the reward had been offered, and hence that she was entitled to the money.

In another case of *Lancaster* v. *Walsh*, (M. & W. 16), an offer of a certain reward had "been made on application to the defendant." The plaintiff had not made any communication to the defendant, but made it to a constable whose duty it was to search for the offender. The question came to be, whether in that event the plaintiff was entitled to the reward, and it was contended that the constable by his own activity followed up the clue and was the person entitled. But the court held that the plaintiff was entitled, for that the communication to the constable led to the discovery. As Alderson, B., put it, information means the communication of material facts for the first time, and the constable was was merely a channel of communication but not the originator of the information.

Again, in *England* v. *Davidson*, (11 A. & E. 857) the constable of the district apprehended the criminal and sued for the reward; whereupon it was contended that it was contrary to public policy to allow the constable to sue, for it was part of his ordinary duty to arrest criminals. The court there held that the fact of the person giving the inform-

ation being a constable did not necessarily disentitle him on the ground of want of consideration. And Lord Denman, C.J., observed that there may be services which the constable is not bound to render, and which he may therefore make the ground of a contract. In short, a constable as such was said not to be disentitled to a reward of this description. In *Moore* v. *Smith*, (1 C. B. 438) the plaintiff also was a police constable, but was temporarily suspended, and he apprehended a burglar, who, after his apprehension, voluntarily confessed. And the court held him entitled to the reward, as it was by the constable's suspicions, and apprehension in consequence of them, that the criminal was really discovered. In *Thatcher* v. *England*, (3 C. B. 254) the defendant, who had been robbed of jewelry, published an advertisement headed "£30 reward," describing the article stolen, and concluding thus: "The above sum will be paid by the adjutant of the 41st regiment on recovery of the property and conviction of the offender, or in proportion to the amount recovered." A soldier on the 10th of June informed his sergeant that B had admitted to him that he was the party who had committed the robbery, and the sergeant gave information at the police station. On the 13th of June the plaintiff, a police constable, learning from one C that B was to be met with at a certain place, went there and apprehended him. The plaintiff by his activity and perseverance afterwards succeeded in tracing and recovering nearly the whole of the property, and in procuring evidence to convict B. The court of common pleas held that the plaintiff was not, but that the soldier was, the party entitled to the reward.

About twenty years ago an interesting case of this kind arose out of a great robbery of watches at a jeweler's shop in London. In *Turner* v. *Walker*, (L. R. 2 Q. B. 301) soon after that robbery, a handbill was circulated by the defendant, who offered a reward in these terms: "A reward of £250 will be given to any person who will give such information as shall lead to the apprehension and conviction of the thieves. A further reward of £750 will be paid for such information as shall lead to the recovery of the stolen property, or in proportion to any part thereof recovered." After the publication of the handbill, Roberts brought a watch to the plaintiff to be repaired. The plaintiff, suspecting it to be one of the stolen watches, arranged with Roberts that the latter should call again and bring some more, and on the same day, the plaintiff gave information to the defendant. In consequence thereof, the police were employed, and Roberts was captured, and two other stolen watches were found upon him. After Roberts had been in custody three days, he told the police that some female friends had informed him that the burglars were to be heard of at an eel-pie shop in 120 Whitechapel. The police accordingly there captured the burglars, who were subsequently convicted at the central criminal court. Roberts was viewed as only a receiver of the goods. The plaintiff sued for the reward, and the judge, Blackburn, J., left it to the jury to say whether the information given by the plaintiff led to the apprehension and conviction of the thieves. The judge was disposed to think that the plaintiff's information was too remote, and that the real discovery was made by the police on Robert's information, but as the jury were in favor of the plaintiff, the question was afterwards fully argued before a court of three judges. Blackburn, J., on the argument, was still disposed to hold that the plaintiff's information was too remote, but the other two judges held it was not, and that the plaintiff gave the clue or started the discovery. The case went to the exchequer chamber, and that court of seven judges unanimously held the plaintiff to be entitled. Kelly, C. B., said it was true that the arrest ought, in such cases, to be the immediate consequence of the information given by the plaintiff. But there was no reason why the fact of there being several steps should make any difference, if the first information led to the discovery and apprehension of the thieves. That was so in this case, and, therefore, the plaintiff was justly entitled to the reward.

This last case was one of no small difficulty, as it illustrated the complication caused by the first step leading to a series of other natural steps, all of which ended in the ap-

prehension and conviction of the criminal. And the decision arrived at was one pre-eminently where common sense agreed with the rules of law. In a later case of *Bent* v. *Wakefield and Barnsley Bank*, (C. P. D. 1), a somewhat puzzling case arose which involved the question whether any person can be entitled to such a reward when the criminal voluntarily surrenders himself. In this last case a handbill was published by the defendants as follows: "£200. Whereas, William Glover, shoddy dealer, absconded from Ossett, after commiting various forgeries. Notice is hereby given that the above reward will be paid to any person or persons giving such information to Mr. W. Airton, police superintendent Dewsbury, as will lead to the apprehension of the said William Glover." The plaintiff was the chief constable at Exeter, and sued for the reward under the following circumstances: "One day a person (who turned out to be Glover) came to the plaintiff at the police office and said, "You hold a warrant for me; I am wanted for forgery." Thereupon names and particulars were entered upon, and the plaintiff, thinking the man might be out of his mind, searched the *Police Gazette*, and ended by telegraphing to Dewsbury and getting instructions to detain Glover. The latter was detained accordingly, and all ended by Glover being locked up and ultimately tried and found guilty. The present action was brought, and one of the defences was, that it was contrary to public policy that the plaintiff should succeed, as he did no more than his public duty and as the criminal had surrendered himself. The question was ultimately considered in connection with the previous authorities, and the judge (Grove, J.), held that the judgment should be for the defendants. The court had, according to the learned judge, already decided in *England* v. *Davidson*, that actions by constables, though not necessarily excluded, yet require very clear grounds to support them, and he thought there was no clear ground in this case.

The discovery in this last case seems to have been a mere accident without any meritorious exertion by the police superintendent, who was almost passive. Nevertheless, he took pains to make inquiry and did his duty well. But all he did was merely by way of satisfying himself whether the criminal was the real man and not a sham. Certainly there was nothing which the constable did beyond his bare duty; he did not originate or discover anything, but simply reported to headquarters. And the judge cannot be supposed to have gone wrong by deciding against an action so entirely without special merits.—*Justice of the Peace, Eng.*

INSOLVENT NOTICES, ETC.

Quebec Official Gazette, Oct. 15.

Judicial Abandonments.

Wilfrid Etienne Brunet, druggist, St. Sauveur de Québec, Oct. 10.

Joseph Charron, jr., St. Hyacinthe, Oct. 10.

J. A. Michaud & Co., Carleton, Oct. 13.

Joseph Ritchot, grocer, Montreal, Oct. 11.

George W. Swatman, Shawville, June 10.

Louis Tremblay, grocer, Montreal, Oct. 8.

Curators appointed.

Re Camille Gauthier, trader, Montreal.—W. A. Caldwell, Montreal, curator, Oct. 11.

Re Hugh O'Hara, Chambly Canton.—Thos. Darling, Montreal, curator, Oct. 13.

Re Joseph Ritchot, grocer, Montreal.—H. Ward and Alex. Gowdey, Montreal, curators, Oct. 11.

Re Richard Swalwell, plumber and gasfitter, Montreal.—David Seath, Montreal, curator, Sept. 15.

Dividends.

Re L. Boyer, Montreal.—Dividend, payable Nov. 3, Kent & Turcotte, Montreal, curator.

Re Andrew Fortune, boot and shoe dealer, Huntingdon.—First and final dividend payable Nov. 3, at office of McCormick, Duclos & Murchison, Montreal J. B. Paradis, curator.

Re Montreal Abattoir Co.—Second dividend, payable Nov. 2, P. S. Ross, Montreal, curator.

Re D. Poirier, Valleyfield.—Dividend, payable Nov. 3, Kent & Turcotte, Montreal, curator.

Re Olivier Seguin, merchant tailor.—First dividend, H. Ward and A. Gowdey, Montreal, curators.

Separation as to property.

Rosalie Brosseau vs. Dalphis Cusson, trader, St. John's, Oct. 5.

Adeline Constantineau vs. Jean Bte. Doré, *alias* Doray, carter, Montreal, Oct. 4.

Aimée Guay vs. James Eagan, St. Joseph de Lévis, Oct. 12.

Annie McCaffrey vs. Louis Raymond dit Lajeunesse, Montreal, Oct. 7.

Hermine Robitaille vs. Etienne Robitaille, St. Sauveur, Oct. 11.

Circuit Court.

Special term for county of Temiscouata, to be held at L'Isle Verte, on Nov. 22.