The grounds upon which the Court insists, in order to establish its peculiar views, are, that such bonds are creatures of statute, lawful only by a special and extraordinary exercise of legislative omnipotence; that they usually recite the authority by which they exist; that they are called by the legislature "certificates of loans" or bonds, and that they are under seal. The only one of these reasons which appears very strong, is the last, and it is now perhaps too late to lay much stress upon it. Railroad bonds are likewise decided to be negotiable in Morris Canal & Banking Co. *vs.* Fisher, 3 Am. Law Register, 423, (N. Jersey); White *vs.* Vermont & Mass. R. R. Co., 21 How. (U. S.) 575, and cases cited. It was held in this case, that when payable in blank, any bona fide holder could fill them up, payable to himself or order. A contrary conclusion was arrived at in England. Hibblewhite *vs.* McMorine, 6 M. & W. 200; Enthoven *vs.* Hoyle, 13 C. B. (Ex. Cham.) 373. It was also decided in the last case, that the coupons, when detached from the bond, could not be deemed anything more than "tokens," unless they contained within themselves the elements of a promissory note. "The detached coupon (in that case) was nothing but a mere piece of paper, it is no bill of exchange, no promissory note, because it wants the essential character of a promissory note, seeing that there is not the name of any person mentioned in it as payee." They may undoubtedly be drawn so as to constitute, when detached, promissory notes.

T. W. D.

RECENT ENGLISH DECISIONS.

In the Court of Queen's Bench, 1862.

GALLIARD, APPELLANT, *vs.* LAXTON, RESPONDENT.[1]

1. A warrant was issued by a justice of the county of C., directed to the constable of the township of N., and generally to all her Majesty's officers of the peace in and for the said county, commanding them, or some of them, forthwith to apprehend W. G., and convey him before two justices of C., to answer for not obeying a bastardy order for payment of money. The warrant was delivered to the superintendent of police, and had subsequently been in the possession of D., one of the police constables. Afterwards D. and S., police constables, while on duty in uniform, arrested W. G. under the warrant, but they had it not in their possession at the time of the arrest, it being at the station-house. W. G. was rescued by several persons, who assaulted the constables D. and S. Whereupon informations for the rescue and assault were laid against the parties by the constables; and at the hearing before justices the complaint as to the rescue was withdrawn, and that for the assault proceeded with, and the parties were convicted:

Held, that the conviction was bad, as the arrest by the constables was illegal, they not having the warrant in their possession at the time:

2. *Held* also, that the withdrawal of the information as to the rescue was no bar to proceeding with the complaint as to the assault.

[1] 5 Law Times, Rep. N. S., 835.

Case stated for the opinion of this Court upon a summary conviction by Justices.

Feb. 14.—*Gibbons*, for appellant, cited Lambard's Irenarcha, 97, edit. 1602; Dalton on the Office of Sheriff, 110; *Robins* vs. *Hender*, 3 Dowl. 543; *Fownes* vs. *Stokes*, 4 Dowl. 125; *Reg.* vs. *Whalley*, 7 C. & P. 245; *Countess of Rutland's Case*, 6 Co. Rep 52.

No one appeared in support of the conviction.

Cur adv. vult.

Feb. 22.—WIGHTMAN, J.—This case was argued before my brother Crompton and myself at the sittings after last term. The first question proposed to us is of much general importance, inasmuch as it may arise in cases where an illegal arrest may be carried to the extent of wounding, or killing an officer. It appears that a warrant had been issued by a magistrate of the county of Chester, directed to the constable of the township of Nantwich, and all her Majesty's officers of the peace in and for the said county, commanding them, or some or one of them, forthwith to apprehend William Galliard, and convey him before two justices of the county of Chester, to answer for the not obeying a bastardy order for payment of money. This warrant is stated to have been given to the Superintendent of Police, and by him to have been given to the police at Monks Coppenhall, in the county of Chester, of which place William Galliard is stated in the warrant to be; and it had subsequently been in the possession of Dyson, one of the police constables who arrested William Galliard, but he had it not with him at the time when he made the arrest, it being then at the station-house at Monks Coppenhall, and in the actual possession of the Superintendent of Police there. Upon the 1st July last Dyson, who was the public constable, arrested William Galliard under the warrant, but did not produce it, nor was he asked to produce it, and the question is, whether to make the arrest legal, there must at the time have been a warrant which was ready to be produced if necessary, though the warant is not addressed to any officer by name, but to the constable of Nant-

wich and all the officers of the peace in and for the county generally? This general form of direction seems to be warranted by the 5 Geo. 4, c. 18, s. 6, and Dyson and the other policemen under him come within the description of the persons to whom the warrant is addressed. It is not stated what words were used by the officers at the time they made the arrest, but as they do not seem to have been impressed with any conviction that they were to inform William Galliard of the nature of the charge, it may be presumed they did tell him they only arrested him under the warrant, and not what the charge was. As they were obviously police constables, we think they were not bound, in the first instance, to produce the warrant at the time they made the arrest; but as this was not a charge of felony, but rather in the nature of a civil proceeding, the warrant ought to have been produced if required, and the arrest without such production would not be legal. The production of the warrant was not, however, required before or at the time when the arrest was made, notwithstanding the resistance of the appellee and his brother, nor indeed at any time, and as the warrant was in existence at the station, where, no doubt, it could readily have been procured, it may be said there was no reason for its being in the hands or the pocket of one of the officers, and there was no disadvantage to the person arrested by reason of its being there. That, no doubt, may be so under the circumstances which are referred to in the case; but suppose it had happened that, after the arrest had been effected, in spite of the resistance made, and before the appellee's brother had been taken to the station where the warrant was, the appellee had requested the officer to produce it, which not having it, he could not do, how would the case have stood then? We have already expressed our opinion that, if requested, the officer was bound to produce the warrant, and if he did keep it in his custody after such request, the non-compliance would not be legal, and it could hardly be contended that the arrest itself would be legal, and that the detention under the circumstances adverted to would be legal. On this view of the case it appears to us that the officers were bound to have the warrant ready to be produced, if required; if they had it not,