

*Registrar's Certificate under 699 C. C. P.—Omission of hypothec.*

In this case the registrar's certificate was not complete, the registration division having been divided, and the certificate not being extended after the division. The report of distribution was reformed by the following judgment:—

“ Considérant que le certificat du régistrateur sur lequel a été préparé le rapport de collocation, ne s'étend qu'à la date du premier Octobre 1877; et que s'il eut été fait jusqu'à la date de la vente du shérif, 15 Novembre 1877, conformément à l'art. 699 C.P.C. et aux articles 700 et 701, la créance et le jugement exécutoire de la Banque Ville-Marie auraient été sous les yeux du protonotaire lorsqu'il a préparé le projet d'ordre;

“ Considérant que la dite Banque Ville-Marie, avec un titre exécutoire, n'avait pas besoin d'alléguer la déconfiture de la défenderesse, que le certificat étant incomplet, le projet d'ordre préparé ne rend pas justice à tous les intéressés;

“ Considérant que les créanciers dont le régistrateur est tenu d'insérer les hypothèques dans son certificat, ne sont pas tenus de faire opposition afin de conserver sur les deniers, et que s'ils en produisent, ils ne peuvent en avoir les frais;

“ Considérant que l'omission de la créance de la Banque Ville-Marie, étant plutôt la faute de l'officier public que celle de la Banque, celle-ci ne doit pas en souffrir; infirme et annule les dits jugements, et procédant à rendre celui qu'aurait dû rendre la dite cour en cette instance, maintient les contestations de la Banque Ville-Marie avec dépens tant de la cour de première instance que de cette cour de révision contre la masse restant à partager,” &c.

*F. A. Trudel*, for contestants.

*Geoffrion & Co.*, for plaintiffs.

SUPERIOR COURT.

MONTREAL, Feb. 1, 1879.

COYLE v. RICHARDSON et al.

*Damages for illegal arrest against police officers acting in good faith.*

TORRANCE, J. The defendants are members of the Montreal police force, one being superintendent. The action is for damages, an illegal arrest being charged, and that plaintiff was

detained from Saturday night to Monday morning; that this was done without reason, and hence the claim for damages. The plea alleged that defendants got reliable information that plaintiff was near when the murder of Hackett was committed in the city of Montreal; that he was seen running away, and using words of encouragement to the mob, and that defendants acted in good faith in arresting him, with no other motive but that of fulfilling a public duty, and in order to promote the interests of justice. The facts of the case were that the Chief of police received an anonymous letter, informing him that Coyle was a person implicated in the murder, and that he should be looked after. The information turned out to be without foundation, and the defendants clearly were not justified in making this arrest. The Court, however, had to consider that a murder had been committed of a very deplorable character, and that investigations were expected, and though defendants were in error, yet Coyle was near the scene of the murder, and the defendants had some grounds for acting as they did. The damages, therefore, would be mitigated to the sum of \$75, which defendants would be condemned jointly and severally to pay.

The judgment was as follows:—

“ Considering that plaintiff is entitled to compensation for his unlawful arrest from the evening of the 21st July, 1877, to 23rd of the same month, a period of over forty hours;

“ Considering, however, the fact that a murder had been committed, and the plaintiff had been seen near the scene thereof, about the time of said murder, and the defendants were in good faith in making the arrest of plaintiff, the Court doth (as a jury might) estimate the damage suffered by plaintiff by reason of such unlawful arrest, at the sum of \$75.” Costs to be taxed as in a case over \$100.

*Duhamel, Pagnuelo & Rainville* for plaintiff.

*R. Roy, Q. C.*, for the defendants.

[Enquête Sittings.]

COWIE v. TRUDEAU et al.

*Corporation subpoenaed as witness—Rule.*

JOHNSON, J. A subpoena has been served upon a corporation (The Banque Jacques Cartier) and they have not appeared, and I am