

the defendant to show cause why a patent of invention and the extensions thereof should not be set aside and declared null.

On the 11th January, 1877, a patent of invention issued from the office of the Commissioner of Patents for Canada, granting to John Jones Bate the exclusive right of manufacturing and vending an invention as a system of ventilation and refrigeration for five years from that date, and on the 12th December, 1881, the patent was extended for another five years, and on the 13th December it was extended for another five years. When granted, no model had been filed with the Commissioner, and he had not dispensed with the filing. But he refused to deliver the patent to the applicant until the model had been filed. The model was filed on the 18th June, 1878, more than a year and five months after the granting, issue, and registration of the patent. The information complained of this omission, and the defendant answered that the default to file a model was not fatal to the validity of the patent, and further that the subsequent compliance would cure any defect and make the patent valid from its date, or, at any rate, from the date of the compliance.

PER CURIAM. By 35 Vic. cap. 26, s. 15, (Canada) the applicant shall deliver to the Commissioner, unless specially dispensed from so doing for some good reason, a neat working model of his invention. By Sec. 6, he is entitled to a patent on compliance with the requirements of the Act. The authorities cited at the Bar and in the elaborate factum of the petitioner, satisfy me that the Act has not been complied with, and therefore the conclusions of the information should be granted.

Judgment for petitioner.

Archibald & McCormick, for Attorney General.
Church, Chapleau, Hall & Atwater, for defendant.

SUPERIOR COURT.

SHERBROOKE, June 26, 1883.

Before Brooks, J.

WOODARD v. BUTTERFIELD.

Damages—Inducing a person to cross the boundary line in order to have him arrested for a pretended debt.

Held, that the defendant was liable to the plaintiff in damages for having induced the plaintiff to

go across the international line, and for causing him to be arrested in Vermont for an alleged debt, which, it appeared, did not exist.

The plaintiff resides in the Township of Melbourne, in the district of Saint Francis. The defendant has a machine shop at Rock Island, in Canada, close to the boundary line. The plaintiff and defendant had some business transactions together, and each of them claimed that the balance was in his favor. Under these circumstances the plaintiff wrote defendant demanding a settlement and threatening suit. The defendant replied that if the plaintiff would go to Rock Island, he would send him a railway ticket to that place and pay his expenses, in order that they might arrive at a settlement of their account. The plaintiff accepted the offer and went to the defendant's shop at Rock Island, where he was told that he would find the defendant at the hotel at Derby Line in Vermont. The plaintiff walked across the line to the hotel and was there arrested at the instance of the defendant. After the trial had been postponed and put off a number of times upon the application of the defendant, judgment was entered up by the Justice Court at Derby Line in favor of the present plaintiff for the amount of the balance claimed by him, namely, about forty dollars.

The plaintiff now brought an action in the Superior Court, district of Saint Francis, claiming damages for false arrest. The defendant is described in the writ as of Rock Island, and was personally served at Rock Island in this province, but the evidence would go to show that he boards at the hotel at Derby Line.

PER CURIAM. It is clearly established in this case that the plaintiff was induced to go across the line by the defendant, with the object of having him there arrested. It is proved that on the night previous the defendant had called upon the deputy-sheriff "to be on hand at the hotel in the morning, as he had a job for him," and defendant pointed out plaintiff to the deputy-sheriff in the morning. The proceedings before the Justice of the Peace were continued from day to day at the instance of the defendant, and the plaintiff was subjected to considerable cost and annoyance.

Considerable evidence has been given in this case by legal gentlemen from Vermont, as to the law there in regard to the arrest of for-