

illegal arrest, there was an equitable assignment of such damages, which in any event would destroy the right of set-off pro tanto. The County Court judge granted the order.

*Held*, on appeal th. the order was properly granted. Appeal dismissed with costs.

*J. D. Phinney*, K.C., for appellant. *G. W. Allen*, K.C., for respondent.

En Banc.]

THE KING v. OTTY.

[Feb. 22.

*Bogus election list—Certiorari.*

The revisors of the parish of Rothesay, Kings Co., prepared and certified under oath a list of persons entitled to vote in such parish under the New Brunswick Elections Act. One of the revisors took this completed list for the purpose, as alleged, of forwarding it to the secretary-treasurer of the municipality. Several days afterwards the certificate and affidavit, which were attached to the list above mentioned, were received by the secretary-treasurer, annexed to another list containing over 400 additional names—of unqualified voters—the same having been mailed—registered—from the city of St. John in an adjoining county.

On motion to make absolute a rule nisi to quash the bogus list the fraud was admitted by the counsel shewing cause, but it was contended that certiorari would not lie. The court held, however, that the action of the revisors was a judicial proceeding and that certiorari would therefore lie.

Rule absolute to quash.

*J. D. Hazen*, K.C., *L. A. Currey*, K.C., and *Dr. Stockton*, K.C., in support of the rule. *C. N. Skinner*, K.C., contra.

Province of Manitoba.

QUEEN'S BENCH.

Full Court.]

SMITH v. SQUIRES.

[March 9.

*Evidence to vary written contract—Promissory note—Endorsement—Bills of Exchange Act, s. 55, sub-s. 2—Parol agreement contemporaneous with written one.*

Appeal from a County Court. Plaintiff sued on a note made by defendant Squires to defendant Ferguson and endorsed by the latter to plaintiff in part payment of the price of a horse bought from plaintiff by Ferguson. Ferguson set up as a defence that he had endorsed the note merely for the purpose of transferring it to the plaintiff, and sought to prove