

ing of Fact—Excessive Seizure—Assessment of Damages.]— Action for damages for wrongful and excessive seizure of the plaintiffs' goods under two chattel mortgages made by the plaintiffs in favour of the defendant Parks—the seizure having been made by the defendant MacIntyre as bailiff. The plaintiffs assigned a certain judgment and a certain promissory note to the defendant Parks, and set up that the latter accepted them in payment of part of the amount due under the chattel mortgages; but the defendant Parks said that the judgment and note were collateral. The action was tried without a jury at North Bay. The learned Judge finds that the judgment and note were received in part payment of the account, and that the seizure was excessive. Proceeding upon the view that a seizure was not altogether illegal, and estimating the value of the articles seized and sold as accurately as possible upon the contradictory evidence, after deducting the balance due to the defendant Parks, and not taking into account goods seized and not to be sold, to which the plaintiffs were entitled, the learned Judge assessed the damages at \$1,250, making no allowance in respect of the claim for injury to the plaintiffs' business—having regard to business conditions in the locality, he was not satisfied that the plaintiffs suffered any loss in that regard. Judgment for the plaintiffs for \$1,250 with costs. J. H. McCurry, for the plaintiffs. G. H. Kilmer, K.C., and G. A. McGaughey, for the defendants.

CORRECTION.

IN RE INDEPENDENT ORDER OF FORESTERS AND TOWN OF OAKVILLE, *ante* 98, on p. 99, line 18, before the word "indicate" insert the words "do not."