

The
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APPELLATE DIVISION.

SECOND DIVISIONAL COURT.

SEPTEMBER 19TH, 1916.

*ALTMAN v. MAJURY.

New Trial—Action against Police Constable for Forcible Entry and Arrest—Refusal of Trial Judge to Permit Amendment Setting up Defence—Arrest without Warrant—Justification for—Reasonable Grounds—Criminal Code, sec. 30—Discovery of New Evidence.

Appeal by the defendant from the judgment of CLUTE, J., upon the findings of a jury, in favour of the plaintiff, in an action against a police constable for forcibly entering the plaintiff's premises and arresting and assaulting her.

The jury found that the defendant did forcibly enter the plaintiff's premises and arrest her; that she was not keeping a common bawdy-house when the defendant entered; and they assessed her damages at \$1,500; for which amount CLUTE, J., gave judgment with costs.

The appeal and a motion by the defendant for a new trial were heard by MEREDITH, C.J.C.P., MAGEE and HODGINS, J.J.A., and LENNOX, J.

H. H. Dewart, K.C., for the appellant.

E. G. MORRIS and G. R. ROACH, for the plaintiff, respondent.

MEREDITH, C.J.C.P., delivering the judgment of the Court, said that the trial was conducted in a manner which was not quite satisfactory. The acts complained of by the plaintiff were the acts of the defendant, a police constable; and he desired

*This case and all others so marked to be reported in the Ontario Law Reports.