

PLEADING—Continued.

- *Compensation.*] A claim of damages resulting from a different contract cannot be pleaded in compensation to an action on a contract, but should be urged by incidental demand. *Ib.* 37.
- *Exception to the form.*] The bringing of an action of *assumpsit*, instead of an action to account, is not matter for an exception to the form, but for a plea to the merits. *Kent v. Gravel*, 159.

POLICE.

- *Arrest—Violence.*] An officer of justice who strikes a prisoner without necessity is guilty of an unjustifiable assault. *Courcelles v. Cité de Montréal*, 154.

PRESCRIPTION.

Action of shareholder against directors for maladministration.] See COMPANY, 44.

- *Interruption.*] (1.) Prescription of a promissory note is interrupted by an offer made by the debtor of a sum of money in settlement of the note. (2.) The debtor's acknowledgment of indebtedness as to the principal of the debt does not interrupt prescription of interest thereon. *Farrell v. Brand*, 402.
- *Interruption of—Plea of compensation.*] A plea of compensation to an action on promissory notes due for more than five years, in which the defendant invokes credits which he claims should be allowed in deduction of the notes sued upon, operates an interruption of prescription. *Brodeur v. Collette*, 461.
- *Non-judicial day—Art. 3, C. C. P.*] Art. 3, C. C. P., which says that "if the day on which anything ought to be done in pursuance of the law is a non-judicial day, such thing may be done with like effect on the next following judicial day," does not apply to matters of prescription and *déchéance de droits*. *Dechêlé v. Cité de Montréal*, 447.
- *Of two years under Art. 1015, M. C.*] See MUNICIPAL LAW, 423.
- See COMMUNITY, 315; ROAD, 278.

PROBABLE CAUSE.

Illegal arrest.] Where there was probable cause for laying an information, damages will not be granted on that account; but where the complainant unnecessarily asked for the arrest and detention of the party, exemplary damages may be awarded for such arrest. *Labelle v. Versailles*, 112.

- *Arrest as a dangerous lunatic.*] See FALSA ARREST, 403.
- See JUSTICE OF THE PEACE, 376.

PROCEDURE.

Action for taxes due under a lease—Exception déclinatoire on the ground that the action was improperly taken under summary procedure.] (1.) Following the dicta in *Chrétien v. Crowley*, 5 *Leg. News*, 289,